

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Sharon P. Margello (SM 4852)  
OGLETREE, DEAKINS, NASH  
SMOAK & STEWART, P.C.  
10 Madison Avenue, Suite 402  
Morristown, New Jersey 07960  
(973) 656-1600  
Attorneys for Defendants  
Intertek Group PIC  
and Caleb Brett, Inc.,

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WENCILIO ADEVA, individually and on : Hon. Richard M. Berman  
behalf of all other persons similarly situated, : Civ. Action No. 07-cv-6973

Plaintiff, :  
v. :  
INTERTEK GROUP, PIC and CALEB : **NOTICE OF MOTION**  
BRETT, INC., jointly and severally, :  
Defendants. :  
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TO: Jeffrey M. Gottlieb, Esq.  
Berger & Gottlieb  
50 East 18<sup>th</sup> Street, Suite PHR  
New York, NY 10003  
Attorneys for Plaintiff

COUNSELOR:

PLEASE TAKE NOTICE that on Monday, September 24<sup>th</sup> at 10:00 a.m. or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant Intertek USA Inc., erroneously identified as, Caleb Brett, Inc., shall apply to the Honorable Richard M. Berman, U.S. District Court Judge, United States District Court for the Southern District of New York, by way of motion pursuant to the Federal Rules of Civil Procedure for an Order granting Defendant's Motion to Dismiss Plaintiff's

complaint pursuant to Rule 12(b)(6), or in the alternative for a more definite statement pursuant to Rule 12(e), and to transfer venue pursuant to Rule 12 (b)(3).

PLEASE TAKE FURTHER NOTICE that in support of said motion Defendant will rely on its Brief In Support Of Defendant's Motion To Dismiss The Complaint Or, In The Alternative, For A More Definite Statement.

OGLETREE, DEAKINS, NASH,  
SMOAK & STEWART, P.C.  
Attorneys for Defendants

By: /s/ Sharon P. Margello  
Sharon P. Margello (SM 4852)

Dated: August 28, 2007

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